

CAB Minutes
February 4, 2011

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, February 4, 2011

Location

101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

Beth Pochtar, Chair
John Scialla, Vice Chair
William M. Connolly
John D. DelColle
Arthur Doran
George Hrin
Robert A. McCullough
Gregory Moten
Leonard Sendelsky
James Sinclair
Joseph Surowiec
Alexander Tucciarone
Valerie Waricka

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards
Emily Templeton, Code Development Unit
John Terry, Code Assistance Unit
Michael Baier, Bureau of Code Services
Mitchell Malec, Office of Local Code Enforcement
Louis J. Mraw, Office of Regulatory Affairs
David Uhaze, Bureau of Construction Project Review
Robert Austin, Code Assistance Unit
Paulina Caploon, Elevator Safety Unit, Bureau of Code Services
John Delesandro, Licensing Unit, Bureau of Code Services
Marcel Iglesias, Code Assistance Unit
Thomas Pitcherello, Code Assistance Unit
Darren Port, Code Assistance Unit
Michael Whalen, Code Assistance Unit

Guests

David Blackwell, New Jersey Builders Association
Sal DiCristina, Rutgers University
Bruce Helmstetter, Borough of Fanwood
Bob LaCosta, Township of Scotch Plains
George Spais, New Jersey Builders Association

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Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting of December 10, 2010

B. Subcode Committee Reports

Barrier Free Subcode Committee

Mr. John Del Colle, Chair, reported that there were no meetings of the Barrier Free Subcode Committee since the last Code Advisory Board meeting.

Building Subcode Committee

Mr. John Scialla, Chair, reported that the Building Subcode Committee held an electronic discussion of the draft Bulletin on the Energy Subcode, an agenda item.

Electrical Subcode Committee

Mr. Robert McCullough, Chair, reported that there were no meetings of the Electrical Subcode Committee since the last Code Advisory Board meeting.

Elevator Safety Subcode Committee

Mr. George Hrin, Chair, reported that there were no meetings of the Elevator Subcode Committee since the last Code Advisory Board meeting.

Fire Protection Subcode Committee

Mr. Arthur Londensky, Chair, reported that there were no meetings of the Fire Protection Subcode Committee since the last Code Advisory Board meeting.

Mechanical/Energy Subcodes Committee

Mr. Arthur Doran reported on a Mechanical/Energy Subcodes Committee meeting that was held on November 16, 2010 in which the Energy Subcode Bulletin, an agenda item, was discussed.

Plumbing Subcode Committee

Mr. Alexander Tucciarone, Chair, reported on a Plumbing Subcode Committee meeting, which was held on November 5, 2010.

- The committee was reminded that the 2009 codes were adopted on September 7, 2010 with the six (6) month grace period.
- The Committee received an update on the HVACR license. The Committee expressed its support to allow a Licensed HVACR technician to connect electrical wiring from the disconnect box to the replacement mechanical refrigeration equipment for replacement equipment only, and to permit a Licensed HVACR technician to replace a non-testable backflow preventer on residential installations only.
- The Committee was also updated on Senate Bill (S) 478, which would allow landscape irrigation contractors to install backflow prevention devices under certain circumstances. The Committee expressed its opposition to this S-478.
- The Committee was informed that, on September 20, 2010, the Board of Master Plumbers adopted revisions to the "Scope of Work" (N.J.A.C. 13:32-1.4). One of the

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changes makes it clear that a licensed master plumber is allowed to install and service closed loop, non-potable water systems, with the exception of geothermal heating and cooling systems that are not connected to plumbing systems.

- The National Standard Plumbing Code (NSPC) code change hearings will be held in Atlantic City in January 2011.

C. Old Business

1. Draft Bulletin: Energy Subcode

The draft Energy Subcode bulletin was referred to the Building Subcode and Mechanical/Energy Subcodes Committees for comment.

The Building Subcode Committee held an electronic discussion in which the following issues were raised and discussed.

- IECC/2009, Section 404.4.2.2, allows the code official to require an “approved party” independent of the installer of the insulation to inspect the air barrier and insulation. Several members questioned who would be an “approved party.” The IBC specifies that the term “approved” means “acceptable to the code official or authority having jurisdiction.” The Committee did not recommend changes to the Bulletin, but expressed concern that a lack of criteria for approval will cause confusion.

- The Board held a brief discussion on this issue. One Board member pointed out that use of a checklist is practical, particularly because the blower door test is performed at the end of construction. The Board recommended that the Department draw attention to the requirement that the inspector must be independent of the installer of the insulation. Independence is critical and must be emphasized.

- The Building Subcode Committee held a lengthy debate regarding the need to make the checklist mandatory. Following the debate, a vote was taken and the Committee recommended that the checklist not be made mandatory. The Energy Subcode requires an inspection of building thermal envelope tightness and allows for a choice in the type of inspection: either a blower door test or a visual inspection may be performed. If a blower door test is performed, the results of the test become part of the permanent file. If a visual inspection is selected, there should be a comparable document to become part of the permanent file. Following a brief discussion on how to accomplish this, the Board concluded that the checklist should be mandatory; it should be made part of the Uniform Construction Code (UCC) as a standard form, added to the inspection section of the UCC, and added to the Certificate of Occupancy requirements.

- The Building Subcode Committee pointed out that, in the draft bulletin, number 4, table 402.1.1, the column header “Glazed Fenestration SHGC” refers to footnotes “b” and “e.” There is no footnote “e.” The Committee recommended that the reference to “e” be deleted.

- Finally, the Building Subcode Committee observed that, in the draft bulletin, the last sentence in alternative 4 refers to “equipment efficiencies” ... “listed in the chart,” but the chart does not refer to equipment. The Committee recommended that the reference to “equipment efficiencies” be deleted.

- The Mechanical/Energy Subcodes Committee identified editorial changes, which were enumerated in the Committee minutes, to be made to the bulletin for clarity.

Mr. William M. Connolly made a motion, which was seconded by Dr. James Sinclair, to approve the bulletin as amended by Board discussion. The motion carried unanimously.

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2. Partial Change of Use of Group R-5 Occupancies—revised (N.J.A.C. 5:23-6.31)

At the Board meeting of June 11, 2010, the Board provided direction on revision to draft rule on this subject. The revised draft rule contained in this meeting packet makes the changes the Board recommended.

Mr. Arthur Londensky, Chair, Fire Protection Subcode Committee, asked whether the Board had discussed the practical and conservative recommendations of the Committee regarding horizontal fire barriers and limiting the change to the first floor. Mr. Londensky was informed that the Board had discussed those issues at its June meeting. Mr. Londensky asked the Board to reconsider the fire barrier issue. Staff agreed to undertake a review of the fire barrier issue and to report back to the Board at an upcoming meeting.

Mr. Alex Tucciarone made a motion, which was seconded by Mr. Robert McCullough, to approve the draft rule. The motion carried unanimously.

D. New Business

1. Draft Rule: Emergency Amendment Regarding Gas Purging to the International Fuel Gas Code (IFGC)/2009 and the International Residential Code (IRC)/2009 (N.J.A.C. 5:23-3.21 and 3.22)

This emergency rule is undertaken pursuant to the UCC Act (NJSA 52:27D-123.b), which authorizes the Commissioner to adopt an amendment to a national model code whenever there is immanent peril to health and safety. The U.S. Chemical Safety Board investigated the natural gas explosion in North Carolina on June 9, 2009 and recommended a code change to address hazard associated with purging gas piping systems. The revised language will be in the 2012 editions of the IFGC and the IRC.

Mr. Alexander Tucciarone reported that he had reviewed the draft rule amendment in advance of this Board meeting and that he recommended its approval.

Mr. Alexander Tucciarone made a motion, which was seconded by Mr. Arthur Doran, to approve the draft rule. The motion carried unanimously.

2. Draft Rule: Elevator Inspection and Test Schedule (N.J.A.C. 5:23-12.3)

This rule would allow enforcing agencies to adjust the inspection cycles of elevators by moving some inspections forward in the cycle. Currently, when an elevator is installed, the inspection cycle is set and cannot be amended. This has resulted in such an uneven work load that efficiencies are not possible. The draft rule would allow enforcing agencies to submit a plan for adjusting the inspections cycles to the Department with an explanation for the changes. No fee would be charged for changing the required inspection.

The draft rule was referred to the Building and Elevator Subcode Committees.

3. Draft Rule: Interlocal Enforcing Agencies (N.J.A.C. 5:23-4.6)

This rule amendment would reflect current statute covering the Uniform Shared Services and Consolidation Act. Outdated references and requirements would be replaced with the current ones.

Mr. Robert McCullough made a motion, which was seconded by Dr. James Sinclair, to approve the draft rule. The motion carried unanimously.

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4. Draft Rule and Draft Revised Standard Form: Chimney Certification (N.J.A.C. 5:23-2.8, 2.14, 2.17A, 2.10)

The proposed amendment at 5:23-2.8, Installation of equipment, would provide an exception to allow replacement equipment that has been installed under minor work or emergency repairs to be immediately put into use prior to the issuance of a certificate of approval.

The proposed amendment at 5:23-2:14, Construction permits – when required, would reorganize the section to make clear the need for a construction permit when undertaking a project involving lead abatement for which a lead abatement clearance certificate is required.

The proposed amendment at N.J.A.C. 5:23-2.17A, Minor work, would clarify the lists of plumbing fixtures that are categorized as minor work and would specify that the replacement of existing low pressure boilers, warm air furnaces, air conditioning units and air conditioning condensing units with new appliances of like capacity is classified as minor work.

The proposed amendment at N.J.A.C.5:23-2.20, Tests and special inspections, would change the name of the required Form F-370 from “Chimney Certification for Replacement of Fuel Fired Equipment” to “Chimney Verification for Replacement of Fuel Fired Equipment” in order to avoid any confusion with the certifications issued by chimney sweeps. Sweeps that are members of the Chimney Safety Institute of America or the National Chimney Sweep Guild provide certifications for comprehensive safety inspections as opposed to the visual inspection certification required by the Uniform Construction Code. Additionally, the amendment requires that the Chimney Verification for Replacement of Fuel Fired Equipment (Form F-370) be provided along with the permit application and fee for work involving the replacement of fuel fired equipment.

The draft rule and draft revised standardized form were referred to the Plumbing Subcode, Building Subcode, Fire Protection Subcode, and Mechanical/Energy Subcodes Committees for review and comment.

E. Information

1. Adoption of National Model Codes. The International Code Council (ICC) model codes/2009 and the National Standard Plumbing Code (NSPC)/2009 were adopted on September 7, 2010. The contractor issue with regard to the installation of residential sprinklers must be resolved.

The Board recommended that the Commissioner resolve the conflict between the Board of Master Plumbers and the Sprinkler Contractors. The Board recommended that to the extent that a sprinkler system was designed to be part of the plumbing system, (P2904), plumbers should be able to install. The Uniform Construction Code (UCC) should assign responsibility to the plumbing subcode official, which resolves the issue for the UCC, but not between the licensing boards.

Mr. William M. Connolly made a motion, which was seconded by Mt. Leonard Sendelsky, that the Division to inform the Commissioner of the Board's recommendation regarding the installation of residential sprinkler systems.

2. Report on E-Vote: Memorandum of Understanding (MOU) with Montclair University and Draft Rule on Low Voltage Communication Wiring

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The Board was informed that the results of the electronic voting on the MOU was 13 yes, 1 No, 1 Abstention. The Board was further informed that the MOU has been executed and that the next step is for the University to appoint code enforcement officials.

The Board was informed that the results of the voting on the draft rule regarding low voltage communication wiring was 14 Yes, 1 No. The rule was published as a proposal in the *New Jersey Register* on October 18, 2010; the public comment period ends on December 18, 2010. A short discussion ensued.

One Board member expressed concern that installers of low voltage communication wiring do not recognize fire-rated assemblies and do not know when they are compromising the fire-resistance rating required by the Uniform Construction Code (UCC). The Board member predicted that this rule could result in thousands of abuses. In addition to the problem of compromising fire-rated assemblies, there is a problem with abandoned cables, which need to be removed. As minor work, the inspector was able to confirm that the installation of low voltage communication wiring complied with the UCC; as ordinary maintenance, no such confirmation will take place. Several Board members expressed concern and asked whether the Department knows how widespread non-compliance is, with the current designation as minor work.

One Board member expressed concern that all of Chapter 8 of the National Electrical Code (NEC), which includes installations up to 150 volts, would be made not-applicable to the installation of low voltage communication wiring. A short discussion took place on the difference between the need to comply with the UCC and the need to obtain a permit. All work is required to comply with the UCC; not all work requires a permit. When a code enforcement official discovers non-compliant work, corrections can be required. It was acknowledged that, without a permit and the accompanying inspection, non-compliant work is not easily discovered.

The Board discussed the root of the problem and the possibility of a narrower solution. The problem is specific to Group R-2 occupancies where the low voltage communication wiring installer obtains a permit to install the wiring from floor to floor. When a resident wants the service installed in their dwelling unit, an additional permit fee is charged. The permit fees for installations in multiple dwelling units in a multi-family building were of concern to the industry and this solution, which was an extension of the current UCC permit requirement for the same work, was drafted and published as a proposal.

The Board asked the Department to investigate the extent of the problem, evaluate the impact on the NEC, and report back. The Department agreed.

3. Dates for Code Advisory Board Meetings 2011:

February 4

April 8

June 10

August 12

October 14

December 9

4. CAB Log: The updated activity log was included in the meeting packets.

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5. List of Pending Legislation: A list of pending legislation on issues that impact construction and the Uniform Construction Code was included in the meeting packets.

F. Public Comments

During the public comment period, Dr. James Sinclair, Code Advisory Board member, commented that the CAB is a powerful forum for people with different interests; by considering and resolving those perspectives, it serves as a protector of the public. When the CAB was first formed, the membership was unknown. Of the 13 members initially recommended, only seven were appointed. Mr. Leonard Sendelsky is the last remaining charter member of the Board. The initial meetings were full of passion and positioning. However, the Board members kept their focus on their charge—to advise the Commissioner on public policy impacting construction and to recommend balanced, rational solutions.

Mr. Leonard Sendelsky welcomed Ms. Beth Pochtar as the newly appointed Chair of the CAB. Ms. Pochtar responded by saying that her participation on the Board has given her insight into the perspective of code enforcement officials and that has enhanced her own engineering practice. She added that she looks forward to working with all Board members.

The public portion of the meeting concluded, the Board broke at 11:15 a.m.

G. Executive Session

The Board meeting resumed at 11:25 a.m.

The membership on the Subcode Committees was reconstituted and the Vice-chairs were appointed, as follows:

Barrier Free Subcode Committee: No change to membership; Jack Boekhout appointed vice-chair.

Building Subcode Committee: No change to membership; Bob LaCosta appointed vice-chair.

Electrical Subcode Committee: No change to membership; Sam Arcadu appointed vice-chair.

Elevator Subcode Committee: No change to membership; George Walker appointed vice-chair.

Fire Protection Subcode Committee: No change to membership; appointment of vice-chair pending.

Mechanical/Energy Subcodes Committee: No change to membership; Bob McCullough appointed vice-chair.

Plumbing Subcode Committee: One member was not reappointed; Louis Rodriguez was appointed vice-chair.

The meeting adjourned at 11:40.